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May 13, 2004

**VIA ELECTRONIC FILING**

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
The Portals  
445 12th Street, S.W.  
Washington, D.C. 20554

Re: **EX PARTE SUBMISSION**

WT Docket No. 03-66; Amendment of Parts 1, 21, 73, 74 and 101 of the  
Commission's Rules to Facilitate the Provision of Fixed and Mobile Broadband  
Access, Educational and Other Advanced Services in the 2150-2162 and 2500-  
2690 MHz Bands

Dear Ms. Dortch:

Today, Msgr. Michael J. Dempsey of the Diocese of Brooklyn, David G. Moore of the Archdiocese of Los Angeles, Edwin N. Lavergne, counsel to the Catholic Television Network ("CTN"), Leslie Harris of Leslie Harris and Associates, counsel to the Education Community ("EC"), and the undersigned, counsel to National ITFS Association ("NIA"), met with John Muletta, Nancy Zaczek, Uzoma Onyeije, John Schauble and Genevieve Ross of the Wireless Telecommunications Bureau, regarding the referenced proceeding.

The participants discussed the question whether eligibility rules for holding Instructional Television Fixed Service ("ITFS") licenses should be modified so as to permit ITFS licenses to be held by for-profit entities. Currently, the rules require ITFS licensees to be accredited schools or other governmental or non-profit entities that provide services to accredited schools.

Representatives of CTN, EC and NIA reiterated their view that eligibility rules for ITFS need to be retained. FCC staff noted its interest both in encouraging effective educational services in the band, and in facilitating the movement of spectrum into the hands of others, where educators were not interested in or able to utilize their spectrum. One possible solution was discussed, which would provide that ITFS spectrum could only be transferred to a for-profit entity if no other educator was interested in acquiring it.

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Pursuant to Section 1.1206(b)(2) of the Commission's Rules, we are submitting this summary of the CTN/EC/NIA presentation by filing an electronic copy of this letter in the public record of the proceeding.

Should any questions arise concerning this matter, kindly contact undersigned counsel for the National ITFS Association.

Respectfully submitted,

/s/ Todd D. Gray

Todd D. Gray

cc by email: John Muletta  
Nancy Zaczek  
Uzoma Onyeije  
John Schauble  
Genevieve Ross